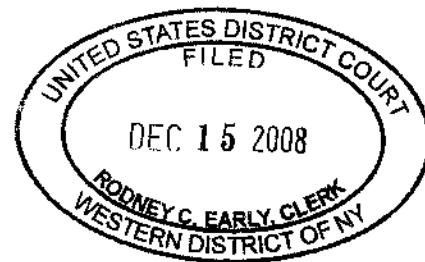


**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**



MONICA BAIN,

Plaintiff(s),

v.

ORDER  
06-CV-6399

WAL-MART STORES, INC.,

Defendant(s).

On April 10, 2008, defendant moved for an order pursuant to Rule 37 of the Federal Rules of Civil Procedure precluding plaintiff from presenting evidence of damages and awarding defendant attorney's fees associated with the making of the motion. (Docket # 38). On July 31, 2008, the Court granted in part and denied in part said motion. (Docket # 49). In its Order, the Court granted defendant's request for an award of attorney's fees associated with the making of the motion, and ordered defendant to provide plaintiff with an affidavit setting forth the time expended and billing rate for preparing the motion. (Docket # 49). The parties have now advised the Court that they have reached an agreement on the amount of reasonable attorney's fees. Specifically, the parties have agreed on an award of \$3,500.00. Accordingly, the Court hereby Orders that plaintiff forward a check in the amount of \$3,500.00 made payable to "Schroder Joseph & Associates, LLP as attorneys for Wal-Mart" within thirty days from the date of this Order.

SO ORDERED.

/s/ Jonathan W. Feldman  
JONATHAN W. FELDMAN  
United States Magistrate Judge

Dated: December 15, 2008  
Rochester, New York